

**IN THE UNITED STATES DISTRICT  
FOR THE DISTRICT OF NEW JERSEY**

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NICHOLAS KUCHAR, et al.,

Plaintiffs,

v.

PETZL COMPANY, *doing business as*  
PETZEL, et al.

Defendants.

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HONORABLE JEROME B.  
SIMANDLE

Civil No. 16-395 (JBS-JS)

**ORDER ADOPTING  
REPORT AND RECOMMENDATION**

This matter came before the Court upon the Report and Recommendation of the Honorable Joel Schneider, United States Magistrate Judge [Docket Item 253], entered November 16, 2018, which recommended that defendant Uintah Fastener & Supply, LLC's motion to dismiss plaintiffs' Complaint based on spoliation of evidence be denied; and

The parties were advised on that date that any objections to this Report and Recommendation were to be served and filed with the Clerk of Court within fourteen (14) days thereof, pursuant to Fed. R. Civ. P. 72(b) and L. Civ. R. 72.1(a)(2); and

No objections to the Report and Recommendation have been received, and the time for objections has expired; and

The Court has independently reviewed the record and the Report and Recommendation and hereby adopts it as the Opinion of this Court upon Uintah's motion to dismiss based upon spoliation, which shall be denied;

IT IS this 3rd day of December, 2018 hereby

**ORDERED** that this Court hereby ADOPTS the Report and Recommendation of the Honorable Joel Schneider, U.S. Magistrate Judge entered November 16, 2018 [Docket Item 253]; and it is further

**ORDERED** that the motion of defendant Uintah Fastener & Supply, LLC, to dismiss plaintiffs' Complaint based on spoliation of evidence [Docket Item 225] shall be, and it hereby is, DENIED.

s/ Jerome B. Simandle

JEROME B. SIMANDLE

U.S. District Judge